


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

JUN 18 2010

JOHN F. CORCORAN, CLERK  
BY:   
DEPUTY CLERK

OBAYDA HANIFI ABED	)	Civil Action No. 7:01cv00356
	)	Criminal Case No. 7:97cr00024-5
	)	
v.	)	<b>ORDER</b>
	)	
	)	By: Samuel G. Wilson
UNITED STATES OF AMERICA	)	United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby


**ORDERED and ADJUDGED**

that Abed's motion (Docket #10) is **DENIED** as a motion for reconsideration under Rule 60(b), a petition for audita querela, and a petition for writ of error coram nobis. Abed's motion is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is directed to **FILE** the motion as such; the § 2255 motion shall be and hereby is **DISMISSED without prejudice** as successive; and the case is hereby **STRICKEN** from the active docket.

Further, finding that Abed has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 18<sup>th</sup> day of June, 2010.

  
\_\_\_\_\_  
United States District Judge